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BUILDING AND LAND USE  
ENFORCEMENT DIVISION

January 10, 2024

# CIVIL PENALTY NOTICE AND ORDER

**Location:** [REDACTED] Ewing Street, San Diego, CA

**APN No.:** 467-073-11-00

**Property Owner/  
Responsible Person:  
Address:** Norman L. Dewitt and Elizabeth O. Dewitt  
[REDACTED]  
San Diego, CA 92107

**Tenant/  
Responsible Person:  
Address:** Buck Edward Johnson  
[REDACTED] Ewing Street  
San Diego, CA 92115

**Zoning Designation:** RS-1-7

You are hereby notified that the property identified above is in violation of the San Diego Municipal Code (SDMC). On December 15, 2023 the following violations were observed at the property and must be corrected:

- Unpermitted vehicle repair activities conducted from a residential zone.

This is a violation of the following code section(s):

- | <u>Code Section</u>            | <u>Violation Description</u>  |
|--------------------------------|---|
| • SDMC §131.0430               | - Development Regulations of Residential Zones  |
| • SDMC §131.0420 and §131.0422 | - Residential Zone Regulations  |
| • SDMC §§121.0202-121.0203     | provides the authority regarding enforcement of the Land Development Code.  |
| • SDMC §121.0302               | requires compliance with the Land Development Code, specifies these violations are not permitted, and provides authority for the abatement of public nuisances. |

**If you correct the above violations as identified below, you will not be subject to any administrative civil penalties.**

In order to avoid administrative civil penalties, you must correct the violations by **February 9, 2024**, as follows:

- Cease unpermitted use of vehicle repair work and maintenance from a residential zone.

All applications for permits must be submitted online. Please go to <https://www.sandiego.gov/development-services> and click on apply for a permit online. Be advised that Building and Land Use Enforcement Division will be reviewing the submitted plans for enforcement compliance.

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**Reinspection fees** are assessed for each inspection after the issuance of a violation notice in accordance with the SDMC §13.0103. An invoice will be sent following each inspection until compliance is achieved. Current reinspection fees range between \$264 and \$295.

Please refer to the San Diego Municipal Code sections cited for additional information via <https://www.sandiego.gov/city-clerk/>.

Additional forms and documents to assist in your compliance efforts are available at: <https://www.sandiego.gov/ced/forms>.

**Failure to Comply with Notice and Order**

If you fail to comply with this Notice and Order in the time and manner set forth above, you are subject to civil administrative penalties pursuant to SDMC §§12.0801-12.0810. The penalty rate for the above listed violation(s) has been established in accordance with SDMC §§12.0801-12.0810 at **\$300.00** per violation per day and shall be an ongoing assessment of penalties at the daily rate until the violations are corrected. Administrative civil penalty amounts are established by the Development Services Director.

The following factors were used in determining the amount:

- the duration of the violation
- the frequency or recurrence of the violation
- the nature and seriousness of the violation
- the history of the violation
- the good faith effort by the Responsible Person to comply
- the impact of the violation upon the community
- any other factors that justice may require

Pursuant to SDMC §12.0805(a), in determining the date on which civil penalties shall begin to accrue, the Development Services Director considers the date when the Building Land Use Enforcement Division first discovered the violations as evidenced by the issuance of a Notice of Violation or any other written correspondence. The date on which the civil penalties began to accrue is **December 15, 2023**, and shall end on the date that the violation(s) has been corrected to the satisfaction of the Development Services Director or the Enforcement Hearing Officer.

### **Civil Penalties Hearing**

If you fail to comply with the Notice and Order, written notice of the time and place of an administrative enforcement hearing will be served on you at least 10 calendar days prior to the date of the hearing in accordance with SDMC §12.0403. At the hearing, you may present evidence concerning the existence of the violation(s) and whether the amount of administrative civil penalties assessed was reasonable in accordance with SDMC §12.0808. Failure to attend an administrative enforcement hearing will constitute a waiver of your rights to an administrative hearing and administrative adjudication of the violation(s) set forth above.

### **Administrative Costs**

The Development Services Director or Enforcement Hearing Officer is authorized to assess administrative costs. Administrative costs may include but are not limited to: staff time to investigate and document violations; laboratory, photographic, and other expenses incurred to document or establish the existence of a violation; and scheduling and processing of the administrative hearing and all actions.

### **Failure to Comply with Administrative Enforcement Order**

If you fail, neglect, or refuse to obey an order to correct the violations, administrative civil penalties will continue to accrue on a daily basis until the violation is corrected. The unpaid amount of administrative civil penalties will be referred to the City Treasurer for collection, recorded as a code enforcement lien against the property in accordance with SDMC §§13.0201-13.0204, and may be referred to the City Attorney to file a court action to recover the unpaid amount. Failure to correct the violations may also result in referral to the City Attorney for further enforcement action.

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If you have any questions concerning this Notice and Order, or to schedule a compliance inspection, please contact **Aurora Valdez, Zoning Investigator**, at [REDACTED] or, at [REDACTED]

SR. OCA RXC/AV1/ao

CE# 0525003

This information will be made available in alternative formats upon request.

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